

## SPSO decision report

**Case:** 201305352, Scottish Prison Service  
**Sector:** Scottish Government and devolved administration  
**Subject:** removal from association/segregation  
**Outcome:** not upheld, no recommendations

### Summary

Mr C, who is a prisoner, was alleged to have been involved in assaulting another prisoner. The Scottish Prison Service (SPS) decided to remove Mr C from association with other prisoners while they investigated this and considered how to manage Mr C in future. Mr C complained about being removed from association, saying there was no evidence he had assaulted the prisoner and that his removal was unreasonably long.

It is not for us to decide whether prisoners should be removed from association. That is for the SPS and, where the removal is for more than 72 hours, Scottish Ministers. Our role in the complaint was to consider the way in which the decision was made (such as whether the SPS followed relevant procedures in making it), rather than the merits of the decision itself. We did not uphold this complaint as our investigation established that the SPS had followed procedures appropriately. For example, they obtained authorisation from Scottish Ministers, the correct paperwork was completed and Mr C was appropriately informed.

Mr C also complained that the SPS' internal complaints committee (ICC) did not let him call the witnesses of his choice to the hearing of his complaint about this. Such hearings are part of the SPS' complaints procedure, and a prisoner may ask for witnesses to be called to support their case. It is for the ICC chairperson to decide whether those witnesses can be called. If the chairperson decides to refuse the request, he or she must have discussed the matter with the prisoner before the hearing. Our investigation found that in Mr C's case, the ICC chairperson had acted appropriately and in line with procedures in deciding not to call Mr C's choice of witnesses.